

HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION,  
Plaintiff,

v.

MOTOROLA, INC., et al.,  
Defendants.

No. C10-1823-JLR

DECLARATION OF ROY HARLIN IN  
SUPPORT OF MICROSOFT'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT

MOTOROLA MOBILITY, INC., et al.,  
Plaintiffs,

v.

MICROSOFT CORPORATION,  
Defendant.

I, Roy Harlin, hereby declare as follows:

1. I am over the age of 21 and make this declaration based on facts within my own personal knowledge.

2. I am currently employed with Microsoft Corporation as the Director of Program Management, Xbox Hardware, a position I have held for approximately three years. In that capacity, I am responsible for the development and delivery of Xbox console hardware.

DECLARATION OF ROY HARLIN IN SUPPORT  
OF MICROSOFT'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT - 1

LAW OFFICES  
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP  
999 THIRD AVENUE, SUITE 4400  
SEATTLE, WASHINGTON 98104  
TEL. (206) 623-1700 FAX. (206) 623-8717

1           3.       Microsoft currently markets its Xbox 360 S game console in the following six  
2 configurations and at the following prices, as reflected on Microsoft's official Xbox website,  
3 www.xbox.com: the ("base-level") Xbox 360 S 4GB console (\$199.99); the Xbox 360 S 4GB  
4 console with Microsoft's Kinect motion sensor (\$299.99); the Xbox 360 S 250GB console  
5 (\$299.99); the Xbox 360 S 250GB console with Microsoft's Kinect motion sensor (\$399.99);  
6 the Xbox 360 S 320GB Limited Edition Gears of War 3 console (\$399.99); and the Xbox 360  
7 S 320GB Limited Edition Kinect Star Wars Bundle (\$449.99).

8           4.       The 802.11 and H.264 functionality is the same across all configurations of the  
9 Xbox 360 S listed above; *i.e.*, each has the same wireless and video-decoding functionality  
10 provided by the same components and software that come standard with the base-level 4 GB  
11 Xbox 360 S console. Each configuration has the same built-in wireless networking module  
12 that enables a wireless connection to the internet. Each also has a built-in Ethernet port that  
13 enables a connection to the internet without using any wireless technology. Each configuration  
14 has the same ability to stream H.264-formatted video, provided by the same software.

15           5.       The ability to play video games on any configuration of the Xbox 360 S is  
16 independent of both the 802.11 and H.264 functionality. Some earlier versions of the Xbox did  
17 not include any such functionality.

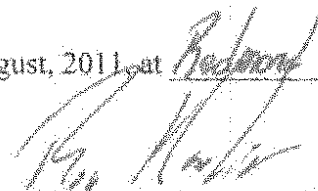
18           6.       The hard drives in the 250GB and 320GB configurations provide greater  
19 storage capacity than provided by the 4GB flash memory included in the base-level console.  
20 None of these drives provide any 802.11 or H.264 functionality. The Kinect motion sensor  
21 also does not include any 802.11 or H.264 functionality. The two Limited Edition models  
22 include either Star Wars or Gears of War-related games, console designs, and accessories;  
23 none of which include any 802.11 or H.264 functionality.  
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25

1           7.     The additional features and functionality referenced in Paragraph 6 (increased  
2 storage capacity, the Kinect, theme-based features) are not included in the base-level 4GB  
3 Xbox 360 S. None of these additional aspects of the more expensive Xbox 360 configurations  
4 implement any 802.11 or H.264 standard-compliant functionality.

5           8.     Microsoft separately markets a 250GB hard drive upgrade to the 4GB Xbox 360  
6 S console, which sells for \$99.99. Microsoft also separately markets the Kinect motion sensor  
7 for \$149.99.

8           I declare under penalty of perjury under the laws of the State of Washington that the  
9 foregoing is true and correct.

10          DATED this 10 day of August, 2011, at Redmond, Washington.

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14 ROY HARLIN  
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DECLARATION OF ROY HARLIN IN SUPPORT  
OF MICROSOFT'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT - 3

LAW OFFICES  
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP  
899 THIRD AVENUE, SUITE 4400  
SEATTLE, WASHINGTON 98104  
TEL: (206) 623-1700 FAX: (206) 623-8717

**CERTIFICATE OF SERVICE**

I hereby certify that on August 18, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

**Attorneys for Defendants Motorola Solutions, Inc., Motorola Mobility, Inc., and General Instrument Corporation**

Philip S. McCune  
Lynn M. Engle  
Summit Law Group

Steven Pepe  
Jesse J. Jenner  
Norman Beamer  
Paul M. Schoenhard  
Ropes & Gray

/s/ Linda Bledsoe  
LINDA BLEDSOE